

Docket No. M-1107 US

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**IN THE CLAIMS:****WHAT IS CLAIMED IS:**

1. (Currently Amended) A tympanic thermometer comprising:

5 a heat sensing probe defining a longitudinal axis and an outer surface extending from a distal end of the tympanic thermometer;

an ejection apparatus further comprising a button, a spring and at least one finger extending from the distal end of the tympanic thermometer and the finger being configured for movement along the outer surface of the probe tip toward a distal end of the probe; and

10 a probe cover being mountable to the distal end of the tympanic thermometer, the mounted probe cover defining an inner surface configured to engage the outer surface of the probe tip and the mounted cover conceals the at least one eject finger and the outer surface of the probe tip, the probe cover including at least one proximal face projecting at the inner surface of the probe cover,

15 the probe cover comprises a flange, the flange substantially abuts circumferentially an underside of a distal end of the heat sensing probe for providing a seal between the flange and the distal end to help prevent patient excretions from collecting at the underside of the distal end,

20 wherein the at least one finger is movable, to eject the probe cover, toward the distal end of the probe tip, the at least one finger moving along the outer surface of the probe tip and along the inner surface of the probe cover, and further the at least one finger is in contact with the at least one proximal face at the inner surface of the probe cover, until the probe cover is released from the probe.

25 2. (Original) A tympanic thermometer as recited in claim 1, wherein the outer surface of the probe defines a groove, transversely oriented relative to the longitudinal axis, which is configured to receive a portion of the probe cover for releasably retaining the probe cover with the probe.

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3. (Original) A tympanic thermometer as recited in claim 2, wherein the portion of the probe cover includes a plurality of protuberances projecting from the inner surface of the probe cover and being proximally spaced from the distal end of the probe cover.

4. (Original) A tympanic thermometer as recited in claim 1, wherein the ejection apparatus includes a plurality of fingers.

5. (Original) A tympanic thermometer as recited in claim 1, wherein the at least one finger includes a tapered finger tip defining a distal strike face.

6. (Original) A tympanic thermometer as recited in claim 1, wherein the at least one finger is movable between a retracted position and an extended position.

7. (Original) A tympanic thermometer as recited in claim 6, whereby the at least one finger is biased to the extended position.

8. (Original) A tympanic thermometer as recited in claim 1, whereby the at least one finger is releasably fixable in a retracted position.

9. (Original) A tympanic thermometer as recited in claim 8, wherein the at least one finger is releasably fixable via a latch, whereby the latch includes a release button that is engageable to release the at least one finger from the retracted position.

10. (Currently Amended) A ~~probe cover~~ tympanic thermometer as recited in claim 1, wherein the probe cover includes a plurality of ribs, the ribs provide the proximal face.

11. (Previously Presented) A tympanic thermometer as recited in claim 10, wherein the at least one rib has a transverse face having a substantially parallel orientation relative to the axis of the probe.

12. (Previously Presented) A tympanic thermometer as recited in claim 1, wherein the ejection apparatus includes a plurality of equidistantly spaced fingers, each having a tapered finger tip that defines a distal strike face and the probe cover including a plurality of equidistantly spaced ribs, each having the proximal strike face, wherein the distal strike faces and proximal strike faces engage for moving the fingers between a retracted position and an extended position.

13. – 20 (Canceled )